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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,984	08/20/2001	Sashiro Uemura	96790p374	7676
8791	7590	12/03/2003	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025			BERCK, KENNETH A	
			ART UNIT	PAPER NUMBER

2879

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/933,984

Applicant(s)

UEMURA ET AL.

Examiner

Ken A Berck

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto et al. (US 6563260).

Yamamoto discloses (fig 4) a vacuum fluorescent display with a front glass member (31), a substrate (1) opposing the front glass member, a phosphor film (33) formed on a surface of the front glass member having a predetermined display pattern, an electron-emitting portion (3) mounted on the substrate to oppose the phosphor film and having an electron-emitting surface corresponding to the display pattern, an electron extraction electrode (6, 37) arranged in the vacuum space between the emitting portion and phosphor film, spaced apart from the emitting portion by a predetermined distance and an insulating support member (5) formed on the substrate and adapted to support the electron extracting electrode and divide the electron-emitting surface of the electron-emitting portion into a plurality of regions.

Art Unit: 2879

Regarding claim 2, Yamamoto discloses (fig 4) the insulating support member comprises at least one partition (5, 35) for dividing the electron-emitting surface into a plurality of regions.

Regarding claim 3, Yamamoto discloses (fig 4) the partitions are arranged substantially equidistantly to be parallel to each other.

Regarding claim 4, Yamamoto discloses (column 18, lines 53-55) the partition have heights of 0.2 mm to 2.0 mm each and are arranged at an interval of  $\frac{1}{2}$  to 5 times the height (fig 4).

Regarding claim 5, Yamamoto discloses (fig 4) the partition divided the emitting surface into a plurality of regions of almost the same shape.

Regarding claim 6, Yamamoto discloses (figs 4 and 5) the emitting surface of the electron-emitting portion is divided into a plurality of stripe regions parallel to each other.

Regarding claim 7, Yamamoto discloses (fig 4) the support member has an opening corresponding to the display pattern, and the partition is integrally formed with the insulating support member so as to divide the opening into a plurality of slit-like openings.

Regarding claim 8, Yamamoto discloses (fig 6) the extracting electrode (6004) is formed of a mesh-like metal plate and is supported by the support member to be spaced apart from the emitting surface by a predetermined distance.

Regarding claim 9, Yamamoto discloses (fig 4) the extraction electrode is formed of a conductive film formed at a top of the insulating support member.

Art Unit: 2879

Regarding claim 10, Yamamoto discloses (column 11, lines 20-30) the emitting portion is formed of a large number of carbon nanotubes formed of graphite layers.

Regarding claim 11, Yamamoto discloses (fig 2a) the emitting portion comprises a plate-like metal member (6) having a large number of through holes and serving as a growth nucleus for nanotube fibers (column 11, lines 20-30) and a coating film (3) formed of a large number of nanotube fibers formed on a surface of the metal member and on the walls of the through holes.

Regarding claim 12, Yamamoto discloses (fig 4) the emitting portion and the phosphor film comprise a plurality of sets in one-to-one correspondence for each display pattern.

#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken A Berck whose telephone number is (703)305-7984. The examiner can normally be reached on Mon-Fri 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703)305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703)308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

  
kab

  
**VIP PATEL**  
**PRIMARY EXAMINER**